

### REMARKS/ARGUMENTS

Reconsideration of this application and entry of this Amendment are solicited. Claims 9 and 11-16 remain in the application subsequent to entry of this Amendment.

The claims are amended in order to more particularly point out and distinctly claim that which applicants regard as their invention. Entry of this Amendment is appropriate at the very least because it serves to reduce issues.

The molecular weight range of the polyethylene glycol previously the subject of claim 10 has been incorporated into both independent claims 9 and 11. In the current Official Action there are four prior art-based rejections, only two of which include product claim 10 and process claim 12. Accordingly, subsequent to entry of this Amendment only the rejections stated in items 5 and 6 of the Official Action are pertinent and those stated in items 3 and 4 no longer pertain.

In response to the Office Action, the applicant proposes to amend independent claims 9 and 11 to state a polyethylene glycol coating covers both (1) a surface of the electrode substrate, which exposes to a surface of the electrode, **and** (2) a surface of the cadmium active substance, which exposes to the surface of the electrode, and that the polyethylene glycol has a mean molecular weight of 600 or higher but not more than 20,000.

As explained in the previous response of October 14, 2004, the coating of polyethylene glycol is formed on the cadmium negative electrode and on the surface of a cadmium active substance inhibits the growth of the platy crystal of  $\beta\text{-Cd(OH)}_2$ . In order to emphasize this point the claims are amended to specify that the coating of the polyethylene glycol is formed on both of the surfaces of the electrode substrate and the cadmium active substance.

As indicated above, entry of this Amendment is appropriate as it serves to reduce issues as it removes two of the four prior art-based rejections stated in the current Official Action. Moreover, the amendments to claims 9 and 11 focus on an important aspect of the present disclosure and serve to further distinguish these claims from the prior art cited and applied in items 5 and 6 of the current Official Action.

In their specification applicants discuss the importance of the molecular weight of the polyethylene glycol used in the product and process of their invention; *see* especially page 7 as well as the range of working examples the results of which are presented graphically in Figure 1 of the drawings.

The rejection in item 5 of the Official Action, directed towards claims 10 and 12, applies Striker and Oshitani in view of Treger while the rejection in item 6, also directed toward claims 10 and 12, is based upon Kobayashi as the primary reference taken with Oshitani and Treger.

All four of these references were discussed in the Amendment and response filed October 14, 2004 and that detailed discussion need not be repeated here. As is common to both rejections, the key reference appears to be the Oshitani one, a reference which by itself does not suggest the present invention nor when taken in combination with the two ancillary references with which it is applied suggest the subject matter of the claims as proposed above.

Oshitani discloses that polyethylene glycol is added to the electrode substrate which is not yet filled with the cadmium active material. Then, after adding the polyethylene glycol, the cadmium active material is filled with the electrode substrate. Accordingly, Oshitani fails to describe that the polyethylene glycol coating is formed covering a surface of the electrode substrate, which exposes to the surface of the electrode, and a surface of the cadmium active substance, which exposes to the surface of the electrode.

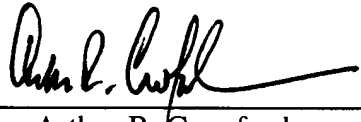
In summary, none of the cited references mention the problems to which the present invention is directed – problems which are solved by the present invention. Nor do the references describe the importance of the use of a polyethylene glycol (to address and resolve this problem) having a mean molecular weight of 600 or higher but not more than 20,000 as all of applicants' claims, either directly or indirectly, feature.

For the above reasons it is respectfully submitted that claims 9 and 11-16 define patentable subject matter. Reconsideration, entry of this Amendment and allowance are solicited.

TOMIHARA et al  
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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
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Arthur R. Crawford  
Reg. No. 25,327

ARC:eaw  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100